

PARKER SCHEER LAGOMARSINO  
610 South Seventh Street • Las Vegas, Nevada 89101  
Telephone (702) 383-2864 Facsimile (702) 383-0065

1 PARKER SCHEER LAGOMARSINO  
2 ANDRE M. LAGOMARSINO, ESQ.  
3 Nevada State Bar No. 6711  
4 610 South Seventh Street  
5 Las Vegas, Nevada 89101  
6 Phone: (702) 383-2864  
7 Fax: (702) 383-0065  
8 andre@parkerscheer.com  
9 *Attorney for Plaintiff*

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

9 LESLIE CULLER,  
10  
11 Plaintiff,

12 vs.

**CASE NO.**

13 N-M VENTURES LLC, a domestic limited-  
14 liability corporation; N-M VENTURES II  
15 LLC, a domestic limited-liability corporation;  
16 NINE GROUP LLC, a foreign limited-liability  
17 corporation; NINE GROUP II LLC, a foreign  
18 limited-liability corporation; NINE GROUP  
19 MANAGEMENT, INC., a domestic  
20 corporation; NINE GROUP MANAGEMENT  
21 II, INC., a domestic corporation; SCOTT  
22 DEGRAFF, individually; MICHAEL  
23 MORTON, individually; and BRONSON  
24 OLIMPIERI, individually.  
25 Defendants.

**COMPLAINT AND  
JURY DEMAND**

21 COMES NOW, Plaintiff, LESLIE CULLER (hereinafter "Plaintiff"), by and through her  
22 attorney, ANDRE M. LAGOMARSINO, ESQ. of Parker Scheer Lagomarsino, and hereby submits  
23 her Complaint against the Defendants as follows:  
24  
25 ...  
26 ...  
27 ...  
28

## JURISDICTION

1           This action is brought to remedy sexual Harassment and discrimination all in  
2 violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et. seq. (Title  
3 VII) and the corresponding Nevada Revised Statutes (N.R.S.) § 613.330 *et. seq.*

4           Injunctive and declaratory relief, damages and other appropriate legal and equitable  
5 relief are sought pursuant to 42 U.S.C. § 2000e et. seq. and N.R.S. § 613.330 *et. seq.*

6           Venue herein is properly in this District pursuant to §706(f)(3) of Title VII, 42 U.S.C.  
7 §2000e-5(f)(3), and under N.R.S. § 613.330 *et. seq.* This Court has supplemental jurisdiction over  
8 the claims in this action arising under the laws of the State of Nevada pursuant to 28 U.S.C. § 1367  
9 and the principles of pendent jurisdiction.

## PARTIES

10           Plaintiff is a female citizen of the United States, and at all relevant times was a  
11 resident of the State of Nevada.

12           Defendant N-M VENTURES LLC is an employer within the meaning of Title VII of  
13 the Civil Rights Act of 1964, as amended. Defendant N-M VENTURES LLC is a domestic limited-  
14 liability corporation, organized and existing under the laws of the State of Nevada, and doing  
15 business in the State of Nevada. Upon information and belief, Defendant N-M VENTURES LLC  
16 and Defendants NINE GROUP MANAGEMENT II, INC., NINE GROUP MANAGEMENT, INC.,  
17 NINE GROUP II LLC, NINE GROUP LLC, N-M VENTURES II LLC, MICHAEL MORTON and  
18 SCOTT DEGRAFF are all one and the same to a sufficient degree to allow the corporate fiction to  
19 be set aside.

20           Defendant, N-M VENTURES II LLC, is a domestic limited-liability corporation,  
21 organized and existing under the laws of the State of Nevada, and doing business in the State of  
22 Nevada. Upon information and belief, Defendant N-M VENTURES II LLC and Defendants' NINE  
23 GROUP MANAGEMENT II, INC., NINE GROUP MANAGEMENT, INC., NINE GROUP II  
24

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1 LLC, NINE GROUP LLC, N-M VENTURES LLC, MICHAEL MORTON and SCOTT DEGRAFF  
2 are all one and the same to a sufficient degree to allow the corporate fiction to be set aside.

3 7. Defendant, NINE GROUP LLC, is a foreign limited-liability corporation, organized  
4 and existing under the laws of the State of Delaware, and doing business in the State of Nevada.  
5 Upon information and belief, Defendant NINE GROUP LLC and Defendants' NINE GROUP  
6 MANAGEMENT II, INC., NINE GROUP MANAGEMENT, INC., NINE GROUP II LLC, N-M  
7 VENTURES II LLC, N-M VENTURES LLC, MICHAEL MORTON and SCOTT DEGRAFF are  
8 all one and the same to a sufficient degree to allow the corporate fiction to be set aside  
9

10 8. Defendant, NINE GROUP II LLC, is a foreign limited-liability corporation,  
11 organized and existing under the laws of the State of Delaware, and doing business in the State of  
12 Nevada. Upon information and belief, Defendant NINE GROUP II LLC and Defendants' NINE  
13 GROUP MANAGEMENT II, INC., NINE GROUP MANAGEMENT, INC., NINE GROUP LLC,  
14 N-M VENTURES II LLC, N-M VENTURES LLC, MICHAEL MORTON and SCOTT DEGRAFF  
15 are one and the same to a sufficient degree to allow the corporate fiction to be set aside.  
16

17 9. Defendant, NINE GROUP MANAGEMENT, INC. is a domestic corporation,  
18 organized and existing under the laws of the State of Nevada, and doing business in the State of  
19 Nevada. Upon information and belief, Defendant NINE GROUP MANAGEMENT, INC. and  
20 Defendants' NINE GROUP MANAGEMENT II, INC., NINE GROUP II LLC, NINE GROUP  
21 LLC, N-M VENTURES II LLC, N-M VENTURES LLC, MICHAEL MORTON and SCOTT  
22 DEGRAFF are one and the same to a sufficient degree to allow the corporate fiction to be set aside.  
23

24 10. Defendant, NINE GROUP MANAGEMENT II, INC. is a domestic corporation,  
25 organized and existing under the laws of the State of Nevada, and doing business in the State of  
26 Nevada. Upon information and belief, Defendant NINE GROUP MANAGEMENT II, INC. and  
27 Defendants' NINE GROUP MANAGEMENT, INC., NINE GROUP II LLC, NINE GROUP LLC,  
28

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1 N-M VENTURES II LLC, N-M VENTURES LLC, MICHAEL MORTON and SCOTT DEGRAFF  
 2 are one and the same to a sufficient degree to allow the corporate fiction to be set aside.

3 11. Defendants NINE GROUP MANAGEMENT II, INC., NINE GROUP  
 4 MANAGEMENT, INC., NINE GROUP II LLC, NINE GROUP LLC, N-M VENTURES II LLC,  
 5 and N-M VENTURES LLC are hereinafter collectively referred to as the “**NINE GROUP**  
 6 **ENTITIES.**”  
 7

8 12. Defendant SCOTT DEGRAFF (hereinafter referred to as “DEGRAFF”) was, at all  
 9 relevant times, the manager, member, shareholder, and/or owner of one or more of the NINE  
 10 GROUP ENTITIES, including N-M VENTURES LLC. Upon information and belief, Defendant  
 11 DEGRAFF and the NINE GROUP ENTITIES are one and the same to a sufficient degree to allow  
 12 the corporate fiction to be set aside. At all relevant times, DEGRAFF also acted within the course  
 13 and scope of his employment as an executive with one or more of the NINE GROUP ENTITIES,  
 14 including N-VENTURES LLC.  
 15

16 13. Defendant MICHAEL MORTON (hereinafter referred to as “MORTON”) was, at all  
 17 relevant times, the manager, member, shareholder, and/or owner of one or more of the NINE  
 18 GROUP ENTITIES, including N-M VENTURES LLC. Upon information and belief, Defendant  
 19 MORTON and the NINE GROUP ENTITIES are one and the same to a sufficient degree to allow  
 20 the corporate fiction to be set aside. At all relevant times, MORTON also acted within the course  
 21 and scope of his employment as an executive with one or more of the NINE GROUP ENTITIES,  
 22 including N-VENTURES LLC.  
 23

24 14. Defendants NINE GROUP ENTITIES and Defendants DE GRAFF and MORTON  
 25 are one and the same to a sufficient degree to allow the corporate fiction to be set aside. Upon  
 26 information and belief, the following factors weigh in favor of setting aside the corporate fiction:  
 27 (1) undercapitalization; (2) commingling of funds; (3) unauthorized diversion of funds; (4) failure to  
 28 observe corporate formalities; (5) treatment of corporate assets as personal assets (and the reverse

1 where applicable); and (6) facts related to the above-referenced description of facts. Upon  
2 information and belief, DE GRAFF and MORTON are controlling parties and the alter-egos of  
3 Defendant NINE GROUP ENTITIES allowing the corporate fiction to be set aside because: (1) the  
4 corporation is influenced and governed by the person(s) asserted to be the alter ego; (2) there is such  
5 unity of interest and ownership that one is inseparable from another; and (3) the facts are such that  
6 adherence to the corporate fiction of a separate entity would, under the circumstances sanction a  
7 fraud or promote injustice.  
8

9 15. Defendant BRONSON OLIMPIERI (hereinafter "OLIMPIERI") was, at all relevant  
10 times, the Vice-President of Brand Marketing and Plaintiff's immediate supervisor at Defendant N-  
11 M VENTURES LLC. OLIMPIERI was also employed by one or more of the NINE GROUP  
12 ENTITIES and, at all times mentioned herein, acted within the course and scope of his employment.  
13

#### 14 PROCEDURAL REQUIREMENTS

15 16. Plaintiff filed a Questionnaire with the Equal Employment Opportunity Commission  
16 (hereinafter referred to as "EEOC") on August 17, 2010, a copy of which is attached as Exhibit 1.

17 17. Plaintiff subsequently signed her Charge of Discrimination and Sexual Harassment  
18 on August 19, 2010, complaining of the acts related to sexual harassment and retaliation alleged  
19 herein, a copy of which is attached as Exhibit 2.

20 18. The EEOC issued Plaintiff a Notice of Right to Sue on November 19, 2010, a copy of  
21 which is attached as Exhibit 3.  
22

23 19. Plaintiff has complied fully with all prerequisites for jurisdiction in this Court under  
24 Title VII. Jurisdiction of the Court is proper under § 706 (f)(3) of Title VII, 42 U.S.C. § 2000e-  
25 5(f)(3), N.R.S. § 613.330 et. seq. and under 28 U.S.C. § 1367.  
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**ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

20. On or about February 26, 2003 Plaintiff was hired as a marketing/graphic designer for N-M VENTURES LLC. Despite being documented as working for N-M VENTURES LLC, Plaintiff was instructed to do projects for other NINE GROUP ENTITIES, as well as for MORTON and his wife, Jenna.

21. Plaintiff was employed by N-M VENTURES LLC for approximately eight (8) years. Throughout her employment, Plaintiff was loyal, competent and made substantial contributions to N-M VENTURES LLC. Throughout her employment, Plaintiff received positive employment reviews and bonuses for her performance.

22. On or about July 14, 2010, Plaintiff was terminated by Andrew Belmonti, Director of Operations. Only Belmonti and the Plaintiff were present when Plaintiff was terminated, even though it was customary to have a human resources present at other terminations of N-M Ventures LLC employees. Plaintiff was completely shocked and surprised that she was terminated because she had done nothing to deserve termination.

23. From the onset of employment until termination, Plaintiff was subjected to well over two-hundred (200) instances of sexual harassment and discrimination by MORTON, DEGRAFF, OLIMPIERI AND FULLER, and staff of one or more of the NINE GROUP ENTITIES, including N-M VENTURES LLC. By way of example, Plaintiff was the victim uninvited and unwelcomed offensive sexual comments and remarks, touching, spanking, molestation, groping, and otherwise disparate treatment.

24. On one occasion within a company property or venue, Defendant DEGRAFF told Plaintiff that she should play tennis with him. DEGRAFF further instructed the Plaintiff to wear a skirt, but not to wear any panties or other undergarments. Plaintiff denied DEGRAFF in full.

25. On another occasion while at Ghost Bar, DEGRAFF, without permission, touched Plaintiff's breasts. Plaintiff refused to be touched by DEGRAFF and left his presence.



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1           26.     On the same occasion while at Ghost Bar, DEGRAFF told Plaintiff that he wanted to  
2     snort cocaine off of Plaintiff's breasts. Plaintiff refused DEGRAFF's unwanted advance.

3           27.     On another occasion, while attending a company-sponsored holiday party, MORTON  
4     grabbed Plaintiff, bent Plaintiff over a sofa, and spanked Plaintiff on the buttocks in front of others  
5     attending the party, including employees and Plaintiff's significant other (at the time). The force of  
6     MORTON'S spanking was so significant that Plaintiff was left with welts on her buttocks.  
7     Consistent with her reaction on other occasions, Plaintiff was humiliated by MORTON in front of  
8     her superiors and subordinates.

10          28.     On another occasion while at a company director's dinner, MORTON attempted,  
11     without permission, to grab Plaintiff and pull Plaintiff away from a colleague (with whom Plaintiff  
12     attended dinner with that evening). Morton, again without plaintiff's consent, eventually grabbed  
13     Plaintiff and told Plaintiff that he wanted to "know what it would feel like to fuck" her. Plaintiff  
14     refused Morton's advance.

16          29.     On another occasion while at work, DEGRAFF and MORTON made sexually  
17     offensive comments and remarks to Plaintiff before locking the air-conditioning controls in an  
18     attempt to make Plaintiff's nipples hard due to the cold temperature. DEGRAFF and/or MORTON  
19     threatened to write any employee up that gave her the key to the air conditioning controls.

21          30.     On another occasion while at a work-related birthday party at the Palms Casino,  
22     MORTON grabbed Plaintiff and tried to kiss her again, all without plaintiff's consent. Plaintiff,  
23     once again, resisted MORTON'S perverse and unwelcome advances. MORTON also told Plaintiff  
24     not to spend time with a person with whom she had been hanging out. Once again, MORTON told  
25     Plaintiff that he wanted to know what it would feel like to "fuck" her.

26          31.     On another occasion after a work-related event, MORTON, accompanied by a male  
27     friend, and Plaintiff, accompanied by a female co-worker, were walking within the Palms Hotel and  
28     Casino. MORTON'S friend approached Plaintiff, grabbed her wrists, and placed them behind her

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1 back. MORTON then brutishly grabbed the defenseless Plaintiff's breasts, while she was kicking  
2 and trying to get away. Plaintiff, after being released, became very upset and went into the parking  
3 lot with her friend and wept about what MORTON had done to her. Upon information and belief,  
4 the female co-worker that was present reported the incident to Andrew Belmonti. Belmonti did  
5 nothing to properly address the situation with MORTON or the Plaintiff.  
6

7 32. On another occasion when the air-conditioning stopped working in the office,  
8 DEGRAFF and MORTON told all the employees they could go home for the day. MORTON  
9 grabbed and pushed Plaintiff into DEGRAFF'S office and told Plaintiff to stay so they could "finally  
10 have their way" with Plaintiff.

11 33. On another occasion while at N9NE Steak House, another company owned venue,  
12 MORTON forced Plaintiff, without her permission or consent, to sit on his lap.  
13

14 34. On a regular basis, OLIMPIERI offered Plaintiff money (alone and in front of other  
15 employees) to pull her pants down, bend over, and/or spread her butt cheeks for a time period of  
16 thirty (30) seconds.

17 35. OLIMPIERI would pool money together from other office employees to have  
18 Plaintiff pull her pants down, bend over, and/or spread her butt cheeks. Some of the office staff,  
19 including Plaintiff's superiors, would contribute money in an attempt to convince Plaintiff to expose  
20 herself. Plaintiff refused to participate in such degrading activities.  
21

22 36. MORTON would regularly force excessively long hugs onto the Plaintiff, caress and  
23 squeeze her stomach, and tell Plaintiff how "good" she felt.

24 37. Almost regularly, DEGRAFF and MORTON, individually or together, would  
25 inappropriately comment on Plaintiff's physique, touch Plaintiff's stomach, and grab Plaintiff's  
26 body parts without her permission.

27 38. On another occasion, MORTON grabbed Plaintiff's buttocks and told Plaintiff that he  
28 wanted to know what it would feel like to "fuck" her.



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1           39. While at a job review, MICHAEL FULLER, Plaintiff's supervisor, told Plaintiff that  
2 for appearance, on a scale of 1-10 she is a 9, but if she didn't wear a bra underneath her shirt, then  
3 she would be a 10. FULLER would frequently get intoxicated and threaten to give the Plaintiff a  
4 "write up". On another occasion, FULLER threw a large amount of water on Plaintiff's white shirt  
5 so that he could see her breasts through the shirt. At all times mentioned and in doing the acts  
6 alleged in this complaint, FULLER was employed by one or more of the Defendant NINE GROUP  
7 ENTITIES, including N-M VENTURES LLC, and was acting within the course and scope of that  
8 employment.  
9

10           40. On several occasions, toward the end of her employment, Plaintiff's supervisors  
11 complained that Plaintiff dressed too conservatively and that she was not wearing clothes that were  
12 sufficiently revealing for their tastes. Plaintiff's supervisors also testified that Plaintiff "wasn't fun"  
13 because she did not participate in the debaucherous activities that permeated the work environment.  
14 Plaintiff was told she was more fun when she was single.  
15

16           In the last year of Plaintiff's employment, she took out disability insurance because she was  
17 trying to get pregnant. It was known by numerous people at N-M Ventures that Plaintiff was trying  
18 to get pregnant, particularly because she sought the insurance through her employer's insurance  
19 plan.  
20

21           41. Prior to the filing of this suit, at least one of Plaintiff's supervisors has testified under  
22 oath in a separate proceeding that Plaintiff was subject to a hostile work environment during her  
23 employment with N-M Ventures LLC.

24           42. Upon information and belief, Plaintiff was really terminated for the following  
25 reasons: (1) Plaintiff was dressing more conservatively; (2) Plaintiff "was not fun" in Defendants  
26 eyes; and (3) Plaintiff was trying to get pregnant. All of the reasons for termination were directly  
27 linked to Plaintiff's gender.  
28

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1           43.     Plaintiff never encouraged, welcomed, or consented to the sexual harassment or lewd  
2 and physical acts described herein.

3           44.     Plaintiff was uncomfortable working at N-M VENTURES and became emotionally  
4 and physically upset over the comments and sexually-related actions taken by MORTON,  
5 DEGRAFF, OLIMPIERI, and Plaintiff's supervisor MICHAEL FULLER.

6           45.     Plaintiff was fearful about losing her job because previous employees that had  
7 challenged the actions of MORTON, DEGRAFF and other executives were terminated without  
8 cause. Conversely, employees that engaged with sexual activities with MORTON were rewarded  
9 with favorable treatment. Upon information and belief, MORTON, during Plaintiff's employment,  
10 engaged in an intimate relationship with a hostess, who was subordinate to MORTON in terms of  
11 employment position. Shortly thereafter, the employee was promoted to cocktail waitress. When  
12 the employee's supervisor tried to change the employee's schedule, the employee refused the change  
13 and instructed the supervisor to contact MORTON directly about the issue.

14           46.     Plaintiff was, and still is, severely emotionally upset and haunted because the sexual  
15 harassment and extreme and outrageous tortious acts of MORTON, DEGRAFF, OLIMPIERI AND  
16 FULLER, and is still haunted by the reprehensible misconduct that Plaintiff was forced to  
17 experience.

18           47.     At all times mentioned and in doing the acts alleged in this complaint, Defendants  
19 DEGRAFF and MORTON, were managers, members, shareholders, and/or owners of one of more  
20 of the NINE GROUP ENTITIES, including N-M VENTURES LLC. DEGRAFF and MORTON  
21 were also acting within the course and scope of their employment as executives with one or more of  
22 the NINE GROUP ENTITIES.

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48. At all times mentioned and in doing the acts alleged in this complaint, Defendant OLIMPIERI was employed by one or more of the NINE GROUP ENTITIES, including N-M VENTURES LLC, and was Plaintiff's superior and/or supervisor, and was acting within the course and scope of his employment.

49. At all times mentioned and in doing the acts alleged in this complaint, MICHAEL FULLER was employed by one or more of the Defendant NINE GROUP ENTITIES, including N-M VENTURES, LLC. FULLER was Plaintiff's superior and/or supervisor, and was acting within the course and scope of that employment.

50. At all times mentioned, and in doing the acts alleged in this complaint, ANDREW BELMONTI was Plaintiff's superior and/or supervisor, and was acting within the course and scope of that employment as Director of Operations.

51. At all times mentioned and in doing the acts alleged in this complaint, all of the NINE GROUP ENTITIES, including N-M Ventures LLC are independently and vicariously liable for the conduct of Defendants DEGRAFF, MORTON, OLIMPIERI, and Plaintiff's supervisor FULLER, as described below.

### **CAUSES OF ACTION**

#### **I. FIRST CAUSE OF ACTION: HOSTILE WORK ENVIRONMENT SEXUAL HARRASSMENT - TITLE VII (AGAINST N-M VENTURES LLC (INDEPENDENTLY) AND NINE GROUP ENTITIES, MORTON AND DEGRAFF (VIA ALTER EGO LIABILITY))**

52. Plaintiff repeats and re-alleges each of the allegations set forth in paragraphs 1 through 51 as though fully set forth herein and incorporates said paragraphs by reference.

53. Plaintiff was: (1) subjected to verbal and physical conduct of a sexual nature; (2) the conduct was unwelcome; and (3) the conduct was sufficiently severe or pervasive to alter the conditions of the Plaintiff's employment and create an abusive work environment in violation of Title VII.

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1           54. Defendants DEGRAFF, MORTON, OLIMPIERI, and FULLER, as Plaintiff's  
2 supervisors and superiors, subjected Plaintiff to verbal and/or physical sexually offensive conduct,  
3 which targeted Plaintiff and her body parts, was clearly linked to her gender, and was unwelcome.

4           55. One of Plaintiff's supervisors at N-M VENTURES has admitted in another  
5 proceeding that Plaintiff was subjected to a hostile work environment at N-M VENTURES, LLC.  
6

7           56. Plaintiff's immediate supervisor, ANDREW BELMONTI, knew of or should have  
8 known of the sexually charged hostile environment and took absolutely no action to stop any of the  
9 Defendants' conduct.

10           57. The verbal and physical sexually offensive conduct endured by the Plaintiff was so  
11 severe and pervasive given that Defendants' conduct was: (1) frequent, (2) severe, (3) physically  
12 threatening and humiliating, and (4) interfering with Plaintiff's work performance. As previously  
13 alleged, Plaintiff was, and is, emotionally wrecked over the defendants' outrageous conduct.  
14

15           58. Given the aforementioned, Defendants' verbal and physical conduct was so severe and  
16 pervasive as to constitute an objectively abusive hostile work environment.

17           59. At all times relevant to the allegations in this Complaint, Defendants, DEGRAFF,  
18 MORTON, OLIMPIERI, and MICHAEL FULLER were employed by N-M VENTURES LLC as  
19 upper management and were acting within the course and scope of that employment.  
20

21           60. Defendant was aware of the sexual harassment and the sexually charged hostile work  
22 environment and took no action to stop Defendants' conduct. The ownership and executive team of  
23 Defendant N-M VENTURES LLC not only participated in, but ratified, the misconduct undertaken by  
24 MORTON, DEGRAFF, OLIMPIERI and FULLER.

25           61. Defendant N-M VENTURES, LLC is liable for the reprehensible behavior visited upon  
26 Plaintiff by MORTON, DEGRAFF, OLIMPIERI, and FULLER. The NINE GROUP ENTITIES,  
27 MORTON and DEGRAFF are liable as alter egos of N-M VENTURES, LLC.  
28

62. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer damages in the form of: past and future lost earnings, past and future pain and suffering, and other losses associated with such embarrassment, humiliation, and mental and emotional pain in an amount in excess of \$75,000.

63. The conduct of the Defendant, by and through its ownership and executive team, was willful, intentional, oppressive, malicious and done in a wanton and reckless disregard for the rights of Plaintiff, thereby warranting the imposition of punitive damages in excess of \$75,000.

**II. SECOND CAUSE OF ACTION:  
UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICE UNDER TITLE VII  
(AGAINST N-M VENTURES LLC (INDEPENDENTLY) AND NINE GROUP  
ENTITIES, MORTON AND DEGRAFF (VIA ALTER EGO LIABILITY))**

64. Plaintiff repeats and re-alleges each of the allegations set forth in paragraphs 1 through 63 as though fully set forth herein and incorporates said paragraphs by reference.

65. Section 703 of Title VII, titled Discrimination because of Race, Color, Religion, Sex, or National Origin, prohibits an employer from discriminating against any individual with respect to conditions of employment because of such individual's sex.

66. Defendant N-M VENTURES LLC discriminated against Plaintiff on the basis of her sex, female, in violation of Title VII of the Civil Rights Act of 1964, by:

a) Subjecting Plaintiff to sexual harassment by MORTON, DEGRAFF, OLIMPIERI, and FULLER, thereby creating and maintaining a sexually charged hostile work environment that adversely affected the terms, conditions, and privileges of Plaintiff's employment; and

b) Failing to take appropriate action to prevent and promptly correct the discriminatory treatment and its substantial effects on Plaintiff.

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1 67. Defendants DEGRAFF and MORTON sexually harassed and physically sexually  
2 assaulted Plaintiff and their conduct was so severe as to constitute an objectively abusive work  
3 environment for Plaintiff, targeting Plaintiff's body parts clearly linked to her gender (or sex, female),  
4 which is prohibited under Title VII.

5 68. Defendant OLIMPIERI, Plaintiff's immediate supervisor, sexually harassed Plaintiff  
6 and his conduct was so severe as to constitute an objectively abusive work environment for Plaintiff,  
7 targeting Plaintiff's body parts clearly linked to her gender (or sex, female), which is prohibited under  
8 Title VII.

9 69. Plaintiff's supervisor, MICHAEL FULLER, also sexually harassed Plaintiff. While at a  
10 job performance review, FULLER told PLAINTIFF that for appearance, on a scale of 1-10, he rated  
11 her as a 9, but if she didn't wear a bra underneath her shirt, then he would give her a 10 for  
12 appearance. FULLER targeted Plaintiff's body parts clearly linked to her gender (sex, female) and was  
13 unwelcome.

14 70. Further, Defendants' MORTON, DEGRAFF, OLIMPIERI, and FULLER did not  
15 subject other male employees to the sexual harassment and disparate treatment they levied upon the  
16 Plaintiff. Plaintiff was repeatedly singled out and subjected to sexual harassment throughout her  
17 employment.

18 71. At all times relevant to the allegations in this Complaint, Defendants, MORTON,  
19 DEGRAFF, OLIMPIERI, and FULLER were employed by Defendant N-M VENTURES LLC as  
20 upper management and were acting within the course and scope of that employment.

21 72. ANDREW BELMONTI, Plaintiff's immediate supervisor, knew or should have known  
22 about the sexual harassment and disparate treatment and never took any action to stop the reprehensible  
23 conduct.



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Telephone (702) 383-2864 Facsimile (702) 383-0065

73. Defendant N-M VENTURES LLC is liable for the conduct of MORTON, DEGRAFF OLIMPIERI, and FULLER. The NINE GROUP ENTITIES, MORTON and DEGRAFF are liable as alter egos of N-M VENTURES, LLC.

74. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer damages in the form of: past and future lost earnings, past and future pain and suffering, and other losses associated with such embarrassment, humiliation, and mental and emotional pain in an amount in excess of \$75,000.

75. The conduct of the Defendant, by and through its ownership and executive team, was willful, intentional, oppressive, malicious and done in a wanton and reckless disregard for the rights of Plaintiff, thereby warranting the imposition of punitive damages in excess of \$75,000.

**III. THIRD CAUSE OF ACTION:  
UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICE - N.R.S § 613.330  
(AGAINST N-M VENTURES LLC (INDEPENDENTLY) AND NINE GROUP  
ENTITIES, MORTON AND DEGRAFF (VIA ALTER EGO LIABILITY))**

76. Plaintiff repeats and re-alleges each of the allegations set forth in paragraphs 1 through 75 as though fully set forth herein and incorporates said paragraphs by reference.

77. N.R.S. §613.330 provides that it is an unlawful employment practice for an employer to discriminate against an employee with respect to the employee's conditions of employment because of her sex or to otherwise create a hostile work environment for women.

78. Defendant NINE GROUP ENTITIES discriminated against Plaintiff on the basis of her sex (female) in violation of N.R.S. §613.330 by:

a) Subjecting Plaintiff to sexual harassment by MORTON, DEGRAFF, OLIMPIERI, and FULLER, thereby creating and maintaining a sexually charged hostile work environment that adversely affected the terms, conditions, and privileges of Plaintiff's employment; and

b) Failing to take appropriate action to prevent and promptly correct the discriminatory treatment and its substantial effects on Plaintiff.

PARKER SCHEER LAGOMARSINO  
610 South Seventh Street • Las Vegas, Nevada 89101  
Telephone (702) 383-2864 Facsimile (702) 383-0065

1           79. Defendants DEGRAFF and MORTON sexually harassed and physically sexually  
2 assaulted Plaintiff and their conduct was so severe as to constitute an objectively abusive work  
3 environment for Plaintiff, targeting Plaintiff's body parts clearly linked to her gender (or sex, female),  
4 which is prohibited under Title VII.

5           80. Defendant OLIMPIERI, Plaintiff's immediate supervisor, sexually harassed Plaintiff  
6 and his conduct was so severe as to constitute an objectively abusive work environment for Plaintiff,  
7 targeting Plaintiff's body parts clearly linked to her gender (or sex, female), which is prohibited under  
8 Title VII.

9           81. Plaintiff's supervisor, MICHAEL FULLER, also sexually harassed Plaintiff. While at a  
10 job performance review, FULLER told PLAINTIFF that for appearance, on a scale of 1-10, he rated  
11 her as a 9, but if she didn't wear a bra underneath her shirt, then he would give her a 10 for  
12 appearance. FULLER targeted Plaintiff's body parts clearly linked to her gender (sex, female) and was  
13 unwelcome.

14           82. Further, Defendants' MORTON, DEGRAFF, OLIMPIERI, and FULLER did not  
15 subject other male employees to the sexual harassment and disparate treatment they levied upon the  
16 Plaintiff. Plaintiff was repeatedly singled out and subjected to sexual harassment throughout her  
17 employment.

18           83. At all times relevant to the allegations in this Complaint, Defendants, MORTON,  
19 DEGRAFF, OLIMPIERI, and FULLER were employed by Defendant N-M VENTURES LLC as  
20 upper management and were acting within the course and scope of that employment.

21           84. ANDREW BELMONTI, Plaintiff's immediate supervisor, knew or should have known  
22 about the sexual harassment and disparate treatment and never took any action to stop the reprehensible  
23 conduct.

PARKER SCHEER LAGOMARSINO  
 610 South Seventh Street • Las Vegas, Nevada 89101  
 Telephone (702) 383-2864 Facsimile (702) 383-0065

85. Defendant N-M VENTURES LLC is liable for the conduct of MORTON, DEGRAFF OLIMPIERI, and FULLER. The NINE GROUP ENTITIES, MORTON and DEGRAFF are liable as alter egos of N-M VENTURES, LLC.

86. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer damages in the form of: past and future lost earnings, past and future pain and suffering, and other losses associated with such embarrassment, humiliation, and mental and emotional pain in an amount in excess of \$75,000.

87. The conduct of the Defendant, by and through its ownership and executive team, was willful, intentional, oppressive, malicious and done in a wanton and reckless disregard for the rights of Plaintiff, thereby warranting the imposition of punitive damages in excess of \$75,000.

**IV. FOURTH CAUSE OF ACTION:  
 RETALIATION UNDER TITLE VII  
 (AGAINST N-M VENTURES LLC (INDEPENDENTLY) AND NINE GROUP  
 ENTITIES, MORTON AND DEGRAFF (VIA ALTER EGO LIABILITY))**

88. Plaintiff repeats and re-alleges each of the allegations set forth in paragraphs 1 through 87 as though fully set forth herein and incorporates said paragraphs by reference.

89. Section 704(a) of Title VII prohibits discrimination against an employee "because [she] has opposed any practice made an unlawful employment practice by this subchapter." 42 U.S.C. §2000e-3(a).

90. Plaintiff engaged in protected activities in that she refused to participate in the sexually charged acts imposed upon her at work and was trying to get pregnant. Defendants took an adverse employment action, termination, after Plaintiff's protected activity took place. A causal link exists between the protected activity and the discharge.

91. Plaintiff had a right to go to her place of employment and not be sexually harassed, assaulted, and battered, or harassed about "not being fun" by Defendants on the basis of her gender (sex, female). Plaintiff also had a right to dress conservatively in her place of employment, in addition

PARKER SCHEER LAGOMARSINO  
610 South Seventh Street • Las Vegas, Nevada 89101  
Telephone (702) 383-2864 Facsimile (702) 383-0065

1 to not having her appearance be scrutinized on the basis of her gender and in a sexually offensive  
2 manner.

3 92. Upon information and belief, Plaintiff was terminated for the following reasons,  
4 among others: (a) she was dressing more conservatively despite Defendants' objection; (b) Plaintiff  
5 "was not fun" despite Defendants imploring her to be "fun"; (c) Plaintiff refused all sexual advances  
6 and objected to all of the constant sexual harassment she had to endure at her work place; and (d)  
7 Plaintiff was trying to get pregnant. All of the reasons for termination were directly linked to  
8 Plaintiff's gender.  
9

10 93. Defendant N-M VENTURES LLC, through its owners, employees, agents, and officers,  
11 unlawfully and intentionally discriminated against Plaintiff based on her gender or sex by allowing or  
12 ratifying sexual harassment that created a sexually charged hostile, discriminatory, and retaliatory  
13 environment in violation of Title VII.  
14

15 94. Defendant N-M VENTURES LLC retaliated against Plaintiff and terminated her  
16 because she never welcomed, consented, or encouraged any of the aforementioned misconduct by  
17 Defendants.  
18

19 95. Defendant N-M VENTURES LLC is liable for the conduct of MORTON, DEGRAFF  
20 OLIMPIERI, and FULLER. The NINE GROUP ENTITIES, MORTON and DEGRAFF are liable as  
21 alter egos of N-M VENTURES, LLC.

22 96. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and  
23 continues to suffer damages in the form of: past and future lost earnings, past and future pain and  
24 suffering, and other losses associated with such embarrassment, humiliation, and mental and emotional  
25 pain in an amount in excess of \$75,000.

26 97. The conduct of the Defendant, by and through its ownership and executive team, was  
27 willful, intentional, oppressive, malicious and done in a wanton and reckless disregard for the rights of  
28 Plaintiff, thereby warranting the imposition of punitive damages in excess of \$75,000.

**V. FIFTH CAUSE OF ACTION: ASSAULT**  
**(Defendants MORTON and NINE GROUP ENTITIES)**  
**Number of Counts to be Proven At Trial**

98. Plaintiff repeats and re-alleges each of the allegations set forth in paragraphs 1 through 97 as though fully set forth herein and incorporates said paragraphs by reference.

99. As demonstrated above and below, Defendant MORTON through his acts and behavior, intended to cause a harmful or offensive contact with Plaintiff and/or intended to place Plaintiff in apprehension of offensive contact.

100. On several occasions Defendant MORTON aggressively approached Plaintiff and made lewd and vulgar comments about certain parts, including sexual parts, of Plaintiff's body.

101. MORTON grabbed Plaintiff, bent her over a chair, and then spanked Plaintiff on the buttocks and placed himself in a position as to prevent Plaintiff from avoiding or otherwise escaping from him.

102. On several occasions, MORTON grabbed Plaintiff and propositioned her to engage in sexual activities and relations with him. In doing these acts, MORTON placed himself in a position as to prevent Plaintiff from avoiding or otherwise escaping from him.

103. On another occasion, MORTON forced Plaintiff to sit on his lap. In doing these acts, MORTON placed himself in a position as to prevent Plaintiff from avoiding or otherwise escaping.

104. MORTON would regularly give Plaintiff long hugs, caress and squeeze her stomach, and tell her how good she felt. In doing these acts, MORTON placed himself in a position as to prevent Plaintiff from avoiding or otherwise escaping from MORTON.

105. On another occasion while at a director's dinner, MORTON attempted to pull Plaintiff and then grabbed Plaintiff and told Plaintiff that he wanted to "make out" with her.

106. On another occasion while at a work-related birthday party at the Palms Casino, MORTON once again grabbed Plaintiff and tried to "make out" with her.

PARKER SCHEER LAGOMARSINO  
610 South Seventh Street • Las Vegas, Nevada 89101  
Telephone (702) 383-2864 Facsimile (702) 383-0065

PARKER SCHEER LAGOMARSINO  
610 South Seventh Street • Las Vegas, Nevada 89101  
Telephone (702) 383-2864 Facsimile (702) 383-0065

1           107. On another occasion, MORTON grabbed Plaintiff's buttocks and told Plaintiff that he  
2 wanted to "know what it would feel like to fuck" Plaintiff.

3           108. On another occasion while at a Ziggy Marley concert at the Palms, MORTON,  
4 accompanied by a male friend, and Plaintiff and Diana Dahl were walking into the Palms.  
5 MORTON's friend came up from behind Plaintiff and grabbed her wrist and placed it behind her  
6 back. MORTON then grabbed Plaintiff's breasts. Plaintiff became very upset and went into the  
7 parking lot at the Palms with Dahl and cried.  
8

9           109. As a result of Defendant MORTON's intentional attempts to create offensive and  
10 harmful bodily contact with the Plaintiff, Plaintiff was in fact placed in a reasonably great apprehension  
11 of offensive contact and harmful by him.  
12

13           110. At all times relevant to the allegations in this Complaint, Defendant MORTON was  
14 employed by the NINE GROUP ENTITIES as an executive and was acting within the course and scope  
15 of that employment. As such, the NINE GROUP ENTITIES are vicariously liable, under the doctrine  
16 of *respondeat superior*, for the conduct of Defendant MORTON. The NINE GROUP ENTITIES,  
17 MORTON and DEGRAFF are also liable as alter egos of each other.  
18

19           111. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and  
20 continues to suffer damages in the form of: past and future pain and suffering, and other losses  
21 associated with such embarrassment, humiliation, and mental and emotional pain in an amount in  
22 excess of \$75,000.

23           112. The conduct of the Defendant, by and through its ownership and executive team, was  
24 willful, intentional, oppressive, malicious and done in a wanton and reckless disregard for the rights of  
25 Plaintiff, thereby warranting the imposition of punitive damages in excess of \$75,000.  
26  
27  
28



**VI. SIXTH CAUSE OF ACTION: BATTERY**  
**(Defendants MORTON and NINE GROUP ENTITIES)**  
**Number of Counts to be Proven at Trial**

113. Plaintiff repeats and re-alleges each of the allegations set forth in paragraphs 1 through 112 as though fully set forth herein and incorporates said paragraphs by reference.

114. By and through his acts described above and below, Defendant MORTON intentionally subjected Plaintiff to harmful and offensive touching, which directly and proximately caused Plaintiff's injuries.

115. On several occasions Defendant MORTON aggressively approached Plaintiff and made lewd and vulgar comments about certain parts, including sexual parts, of Plaintiff's body. MORTON inappropriately touched Plaintiff throughout her employment, and numerous times throughout her final two years with N-M VENTURES, LLC, in excess of two hundred (200) times.

116. MORTON grabbed Plaintiff, bent her over a chair, and then spanked Plaintiff on the buttocks and placed himself in a position as to prevent Plaintiff from avoiding or otherwise escaping from him.

117. On several occasions, MORTON grabbed Plaintiff and propositioned her to engage in sexual activities and relations with him. In doing these acts, MORTON placed himself in a position as to prevent Plaintiff from avoiding or otherwise escaping from him.

118. On another occasion, MORTON forced Plaintiff to sit on his lap. In doing these acts, MORTON placed himself in a position as to prevent Plaintiff from avoiding or otherwise escaping.

119. MORTON would regularly give Plaintiff long hugs, caress and squeeze her stomach, and tell her how good she felt. In doing these acts, MORTON placed himself in a position as to prevent Plaintiff from avoiding or otherwise escaping from MORTON.

120. On another occasion while at a director's dinner, MORTON attempted to pull Plaintiff and then grabbed Plaintiff and told Plaintiff that he wanted to "make out" with her.

PARKER SCHEER LAGOMARSINO  
610 South Seventh Street • Las Vegas, Nevada 89101  
Telephone (702) 383-2864 Facsimile (702) 383-0065

1           121. On another occasion while at a work-related birthday party at the Palms Casino,  
2 MORTON once again grabbed Plaintiff and tried to “make out” with her.

3           122. On another occasion, MORTON grabbed Plaintiff’s buttocks and told Plaintiff that he  
4 wanted to “know what it would feel like to fuck” Plaintiff.

5           123. On another occasion while at a Ziggy Marley concert at the Palms, MORTON,  
6 accompanied by a male friend, and Plaintiff and Diana Dahl were walking into the Palms.  
7 MORTON’s friend came up from behind Plaintiff and grabbed her wrist and placed it behind her  
8 back. MORTON then grabbed Plaintiff’s breasts. Plaintiff became very upset and went into the  
9 parking lot at the Palms with Dahl and cried.

10           124. As a result of Defendant MORTON’s intentional attempts to create offensive and  
11 harmful bodily contact with the Plaintiff, Plaintiff was in fact placed in a reasonably great apprehension  
12 of offensive contact and harmful by him.

13           125. At all times relevant to the allegations in this Complaint, Defendant MORTON was  
14 employed by the NINE GROUP ENTITIES as an executive and was acting within the course and scope  
15 of that employment. As such, the NINE GROUP ENTITIES are vicariously liable, under the doctrine  
16 of *respondeat superior*, for the conduct of Defendant MORTON. The NINE GROUP ENTITIES,  
17 MORTON and DEGRAFF are also liable as alter egos of each other.

18           126. As a direct and proximate result of Defendants’ conduct, Plaintiff has suffered and  
19 continues to suffer damages in the form of: past and future pain and suffering, and other losses  
20 associated with such embarrassment, humiliation, and mental and emotional pain in an amount in  
21 excess of \$75,000.

22           127. The conduct of the Defendant, by and through its ownership and executive team, was  
23 willful, intentional, oppressive, malicious and done in a wanton and reckless disregard for the rights of  
24 Plaintiff, thereby warranting the imposition of punitive damages in excess of \$75,000.

**VII. SEVENTH CAUSE OF ACTION:  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS  
(Defendants MORTON, OLIMPIERI, and NINE GROUP ENTITIES)**

128. Plaintiff repeats and re-alleges each of the allegations set forth in paragraphs 1 through 127 as though fully set forth herein and incorporates said paragraphs by reference.

129. At all times as described herein, the conduct of Defendants MORTON and OLIMPERI was extreme and outrageous undertaken with either the intention of, or reckless disregard for, causing emotional distress to the Plaintiff. The behavior of DEFENDANTS MORTON and OLIMPIERI, over the last two years of Plaintiff's employment, caused Plaintiff severe and extreme emotional distress.

130. Defendants' acts and omissions described above were extreme and outrageous and transcended all boundaries of decency in society.

131. Defendants' acts were intentional or done in reckless disregard for causing emotional distress in Plaintiffs. As more fully described above, Defendants MORTON and OLIMPIERI among other things, repeatedly and habitually offensively touched, restrained, requested engagement in sexual activities, assaulted, and battered Plaintiff. Plaintiff rebuffed all of Defendants advances and refused to have any sexual contact with them. In addition, Defendant OLIMPIERI offered to give Plaintiff money, pooled money from other employees to give to Plaintiff if she would pull her pants down, and spread her butt cheeks. Plaintiff never encouraged any of Defendants' behavior. In fact, Defendants MORTON and OLIMPIERI would witness the physical and emotional effect it would have on the Plaintiff and, because of and despite seeing this, would continue to bully the Plaintiff into tears.

132. At all times Plaintiff clearly rejected all of Defendants' advances.

133. At all times relevant to the allegations in this Complaint, Defendants MORTON and OLIMPIERI were employed by Defendant NINE GROUP ENTITIES as executives and upper management, and were acting within the course and scope of that employment.

PARKER SCHEER LAGOMARSINO  
610 South Seventh Street • Las Vegas, Nevada 89101  
Telephone (702) 383-2864 Facsimile (702) 383-0065

1           134. The actions of Defendants MORTON and OLIMPIERI were repetitive, severe, and  
2 habitual towards Plaintiff. The owners and executives of the NINE GROUP ENTITIES, in participating  
3 and ratifying this shameful conduct, acted outrageously, intentionally and maliciously. The owners,  
4 executives and management of the NINE GROUP ENTITIES behaved with complete and reckless  
5 disregard of the fact that their perverse conduct would certainly cause Plaintiff to suffer severe  
6 emotional distress.

7  
8           135. As a direct and proximate result of the acts of all Defendants, Plaintiff has suffered and  
9 continues to suffer severe emotional distress in the form of fear, humiliation, embarrassment,  
10 nervousness, sleeplessness, irritability, extreme anxiety, indignity and depression. Plaintiff has also  
11 manifested her emotional distress physically in the form of hives and related conditions.

12           136. At all times relevant to the allegations in this Complaint, Defendant MORTON and  
13 OLIMPIERI were employed by the NINE GROUP ENTITIES as executives and were acting within the  
14 course and scope of that employment. As such, the NINE GROUP ENTITIES are vicariously liable,  
15 under the doctrine of *respondeat superior*, for the conduct of Defendant MORTON. The NINE  
16 GROUP ENTITIES, MORTON and DEGRAFF are also liable as alter egos of each other.

17  
18           137. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and  
19 continues to suffer damages in the form of: past and future pain and suffering, and other losses  
20 associated with such embarrassment, humiliation, and mental and emotional pain in an amount in  
21 excess of \$75,000.

22  
23           138. The conduct of the Defendant, by and through its ownership and executive team, was  
24 willful, intentional, oppressive, malicious and done in a wanton and reckless disregard for the rights of  
25 Plaintiff, thereby warranting the imposition of punitive damages in excess of \$75,000.

**VIII. EIGHTH CAUSE OF ACTION:  
NEGLIGENCE  
(MORTON, OLIMPIERI, NINE GROUP ENTITIES)**

139. Plaintiffs repeat and re-allege each of the allegations set forth in paragraphs 1 through 138 as though fully set forth herein and incorporates said paragraphs by reference.

140. Defendants' MORTON and OLIMPIERI worked with sister companies of N-M VENTURES LLC, also described collectively as THE NINE ENTITIES herein. In their capacity as owning and/or working with these sister companies, MORTON and OLIMPIERI owed Plaintiff a duty to act in a reasonable manner with her. Defendants' MORTON and OLIMPIERI breached their duty by acting as described herein.

141. At all times relevant to the allegations in this Complaint, Defendant MORTON and OLIMPIERI were employed by the NINE GROUP ENTITIES as executives and were acting within the course and scope of that employment. As such, the NINE GROUP ENTITIES are vicariously liable, under the doctrine of *respondeat superior*, for the conduct of Defendant MORTON. The NINE GROUP ENTITIES, MORTON and DEGRAFF are also liable as alter egos of each other.

142. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer damages in the form of: past and future pain and suffering, and other losses associated with such embarrassment, humiliation, and mental and emotional pain in an amount in excess of \$75,000.

143. The conduct of the Defendant, by and through its ownership and executive team, was malicious and done in a reckless disregard for the rights of Plaintiff, thereby warranting the imposition of punitive damages in excess of \$75,000.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

1. Awarding Judgment as appropriate and requiring Defendants to pay Plaintiff's compensatory damages, special damages, and any other damages described herein and to be proven at trial, including punitive damages;
2. Awarding Plaintiff fees and costs associated with bringing this action, in addition to reasonable attorneys' fees as provided by United States and/or Nevada statutes;
3. Granting any such other and further relief as this Court deems necessary and proper.

DATED this 13<sup>th</sup> day of December, 2010.

Respectfully Submitted,

  
PARKER SCHEER LAGOMARSINO  
ANDRE M. LAGOMARSINO, ESQ. (#6711)  
610 South Seventh Street  
Las Vegas, Nevada 89101  
Phone: (702) 383-2864  
Fax: (702) 383-0065  
andre@parkerscheer.com  
*Attorneys for Plaintiff*

PARKER SCHEER LAGOMARSINO  
610 South Seventh Street • Las Vegas, Nevada 89101  
Telephone (702) 383-2864 Facsimile (702) 383-0065



**VERIFICATION OF PLAINTIFF LESLIE CULLER**

I, LESLIE CULLER, do hereby state that I am the Plaintiff in the above-titled action. I further state that I have read the foregoing Complaint and know the contents thereof. The Complaint is true of my own knowledge except as to those matters that are stated in information and belief, and as to those matters, I believe them to be true.

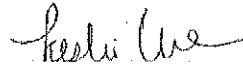
DATED THIS 13th day of December, 2010.



\_\_\_\_\_  
LESLIE CULLER

I declare under penalty of perjury that the foregoing is true and correct.

DATED THIS 13th day of December, 2010.



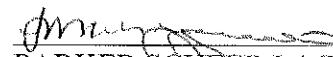
\_\_\_\_\_  
LESLIE CULLER

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Local Rules 38-1, Plaintiffs demands a trial by jury on all issues in this action.

DATED this 13<sup>th</sup> day of December, 2010.

Respectfully Submitted,

  
PARKER SCHEER LAGOMARSINO  
ANDRE M. LAGOMARSINO, ESQ. (#6711)  
610 South Seventh Street  
Las Vegas, Nevada 89101  
Phone: (702) 383-2864  
Fax: (702) 383-0065  
andre@parkerscheer.com  
*Attorneys for Plaintiff*

PARKER SCHEER LAGOMARSINO  
610 South Seventh Street • Las Vegas, Nevada 89101  
Telephone (702) 383-2864 Facsimile (702) 383-0065